

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VINCENT LUCAS,

Plaintiff,

v.

Case No. 1:12-cv-630

Black, J.
Bowman, M.J.

TELEMARKETER CALLING FROM (407) 476-5670
AND OTHER TELEPHONE NUMBERS, et al.,

Defendants.

REPORT AND RECOMMENDATION

The above captioned case involves Plaintiff's allegations of illegal telemarketing practices. Seeking monetary damages and injunctive relief, Plaintiff initiated this litigation *pro se* in August 20, 2012. Currently before the undersigned is Plaintiff's motion for a ruling on a motion for sanctions previously filed under Rule 37, Fed. R. Civ. P. (Docs. 174, requesting ruling on Doc. 122), as well as a new motion for sanctions. (Doc. 175). The non-dispositive portions of both motions are addressed in a Memorandum Order filed this same day. However, Plaintiff argues that the new motion for sanctions also seeks dispositive relief that the undersigned cannot rule on by order.

To the extent that Plaintiff seeks a finding of contempt and/or default judgment, he is correct that the undersigned cannot rule by order. For that reason, and for the reasons expressed in the analysis of the Memorandum Order as if fully restated herein, IT IS RECOMMENDED that the Plaintiff's motion for contempt and default judgment,

and any other dispositive sanctions sought in Plaintiff's recently filed motion (Doc. 175) be DENIED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).